

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 18-86
)	
ANGEL RODRIGUEZ,)	Judge Cathy Bissoon
)	
Defendant.)	

ORDER

Defendant's Motion ([Doc. 148](#)) under 18 U.S.C. § 3582(c)(1)(A) will be denied.

The thrust of Defendant's Motion is that he should be eligible to earn time credits under the First Step Act ("FSA"). [Doc. 148 at 2-4](#). He has utilized the wrong procedural vehicle. "A challenge to assessment of [FSA] credits should be brought under § 2241, not in a motion for compassionate release." [U.S. v. Pierce](#), 2025 WL 1171587, *3 & n.24 (E.D. Pa. Apr. 22, 2025) (parenthetical notations regarding cited and quoted sources omitted herein). A 2241 petition properly is filed in a Defendant/petitioner's district of confinement. [Anariba v. Dir. Hudson Cty. Corr. Ctr.](#), 17 F.4th 434, 444 (3d Cir. 2021). Mr. Rodriguez is confined at USP Hazelton. *see* [Doc. 148-1](#) (envelope of submission, as confirmed on the BOP inmate locator website). That is in the Northern District of West Virginia.

Although this is enough to deny Defendant's Motion, it may save him some time and effort to know that courts in this Circuit have rejected 2241 petitions based on his reasoning. *Compare* [Doc. 148 at 2-3](#) (arguing that the BOP cannot properly aggregate his sentences, and that his 924(c) conviction does not disqualify him for FSA credits) *with, e.g.,* [Teed v. Warden Allenwood FCI Low](#), 2023 WL 4556726, *1-2 (3d Cir. Jul. 17, 2023) (non-binding but highly persuasive authority, rejecting the BOP aggregation argument) *and, e.g.,* [Colotti v. Peters](#),

[2025 WL 216401, *1 \(W.D. Pa. Jan. 16, 2025\)](#) (petitioner was “statutorily barred from earned time credits due to his conviction under § 924(c)”).

Otherwise, Defendant has failed to identify “extraordinary and compelling” reasons for a sentencing reduction. *See* Section 3582(c)(1)(A)(i). By his own admission, Mr. Rodriguez’s current housing designation allows him a level of freedom that would be the envy of many a federal prisoner. [Doc. 148 at 5](#) (he can go into the community to attend college courses, enroll in a CDL class and attend medical appointments outside the facility). While Defendant has earned these privileges, they are remarkable given the nature of his convictions. *See* Judgmt. ([Doc. 130](#)) (Defendant was convicted of possessing with the intent to distribute fentanyl and heroin and possessing a firearm in furtherance of a drug trafficking crime).

Defendant’s Motion ([Doc. 148](#)) under 18 U.S.C. § 3582(c)(1)(A) is **DENIED**, and his Motion ([Doc. 147](#)) to appoint counsel is **DENIED AS MOOT**.

IT IS SO ORDERED.

May 2, 2025

s/Cathy Bissoon

Cathy Bissoon

United States District Judge

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